

BOROUGH OF WATCHUNG

**MAYOR AND COUNCIL
SPECIAL MEETING
MINUTES
JUNE 7, 2018
7:30 P.M.**

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:36 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice and Special Meeting Notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.

ROLL CALL:

Gibbs [P] Black [P] Nehls [P] Mobus [P] Sopko [P] Alberto [P]

Also present were Attorney Albert Cruz, Clerk Michelle DeRocco, and Administrative Assistant Regina Angelo.

There were 60 members of the public present.
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PROCLAMATION:

CERT Week: June 4th through June 9th - (copy attached)

Mayor Pote thanked the Cert Team for their efforts and presented a copy of the Proclamation to President Carolyn Solan.

SPECIAL PRESENTATIONS:

Appointment / Oath of Office - Probationary Police Officers

Police Commissioner Gibbs read a brief bio on both of the new Officers.

Council President Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto “aye.”

R1:06/07/18 Appointment of Probationary Police Officers – Peter Cuevas, Michael Cannata

Mayor Pote administered the Oath of Office to Officer Michael Cannata as his father held the Bible.

Mayor Pote administered the Oath of Office to Officer Peter Cuevas as his father held the Bible

Mayor said he was going to deviate from the order on the Agenda and put the reports of Standing Committees on the side and have a Public Portion of the meeting for Agenda items R10 through R14, as most of the people in attendance here this evening are here to hear about Affordable Housing. He said after the Public Portion, he will then bring forth Resolutions R10 through R14 for a vote.

Mayor Pote called for a Public Hearing on the Affordable Housing.

Keith Balla, Shawnee Drive, asked what additional income will the town receive as a result of the PILOT agreement over the fully assessed tax. Attorney Cruz responded that the revenue to the town and school will be the same if the building was assessed under the traditional manner or under the pilot program, however the County would not receive their portion. Mr. Balla asked if the projections were made public. Attorney Cruz responded that the projections are not public yet because they are still a part of negotiations.

Doris Fine, Johnstone Drive, asked if we have explored the commercial property on Rt. 22 owned by Levin Management? Attorney Cruz replied that the Blue Star Shopping Center is a private property. Ms. Fine said she thinks if we approached the owner and gave him ideas about Redevelopment incorporating apartments and shopping, the owners may be open to it. She said her concern with this project are the environmental effects and removing 21 acres of trees. She also said the habitat of wildlife will be af-

fect. She asked everyone to vote their conscious and to think about what kind of Watchung you want to leave for future generations.

Barbara Steinfield, Nottingham Drive, said we should approach the Pointe and ask them if they will accept reduced taxes in exchange for affordable housing in some of its units. She commented that this is a very unusual community and we all moved here because of what it is.

Denise Cohen, Hill Hollow Road, said she would be very happy to approach Levin Management because her family is close with them.

Ben Toscano, Bonnie Burn Road, said it is dangerous now for ingress and egress of his driveway and for his neighbors. In order for the redevelopment to be done there would be a need to put two lanes going up and down and a traffic light. He asked who was going to be responsible to ensure traveling on Bonnie Burn Road and his ability to access his driveway will be safe? He asked if it will be his responsibility to keep his driveway safe? Mayor Pote replied that it is a county road the county will have to work with the Borough and the developer. There will be a traffic study and hearings, which will allow you and others to come forward and speak about your own personal situation and ask questions. Attorney Cruz said if this project is approved at some point in the future the developer will make an application to the Planning Board and residents within 200 feet will receive notice. If the County requires the developer to make improvements, it will be the responsibility of the developer. Mr. Cruz suggested he monitor this application at the Municipal and County Planning Board.

Lisa Zelenenki, Mareu Drive, said this plan backs right up to her backyard. She asked the Council for their support of the resident's interests. Attorney Cruz responded someone will be looking at the plans in an objective manner.

Linda Goldshein, Sherwood Drive, asked if the sewerage problem at the property has been solved. Attorney Cruz replied the developers are aware that the property must provide for sewerage disposal in some way and will need a condition of approval.

Laura Baillargeon, Oakwood Road, said she emailed a solution to the Council and hasn't heard back. She said she doesn't see how to justify the Bonnie Burn Development to tax payers. She also said, once the wetlands are destroyed it will never come back and we will not be able to rebuild it again.

Daryl Eisenburg Knegten, Oakwood Road, asked the Council to delay any voting to the June 30th deadline and continue to explore options. She asked for the resolution to be tabled.

Joel Cohen, Hill Hollow Road, said this is not just happening in Watchung but also in Berkeley Heights, Green Brook and Warren. He suggested the Borough join with these other towns and put a stop to it. He said this is a State-wide problem, and we could have strength in numbers. He said this law is a giveaway to builders. Mayor Pote replied a lot of towns have already started this process and we need to come up with our plan of action.

Kim DiDonato, Friar Lane, asked if the Council has sent in their letters like the rest of the residents to the legislators, saying they are against this. Mayor Pote responded that he did put a call into Governor Murphys Office. She said she thinks if we keep speaking and sending in our letters, we can all join together to change this.

Phyllis Juette, Elsnore Drive, asked if we could take this issue to the Supreme Court. She said if all the Counties and towns in the State can get together in force, maybe we can make a change. She said our freedom is being taken away and doesn't think we should stand for it. Attorney Cruz responded on the years of litigation that this process has undergone. He also said the way for this matter to be addressed is through a constitutional amendment where the voters can vote. Mr. Cruz also said at this point there has been a lot of litigation in 43 years and the legislature has not acted and now the burden falls on municipalities. It is an individual Municipal obligation to address affordable housing.

Maryann Candiloros, Nottingham Drive, thanked the Mayor and Council for organizing the meeting Tuesday night with Assemblyman Bramnick. She asked if this affordable housing vote could be tabled so further options could be explored.

Mike Finne, Oakwood Road, said he thought we only had until June 30th to obligate eight to ten housing units. Attorney Cruz responded that the Boroughs obligation is 396 units. Attorney Cruz explained that the Borough's plan needs to show we are planning to meet the affordable housing requirements. Mr. Finne asked what happens in 2021 if they throw out this legislation and then we are stuck with this development? Mr. Cruz said no court will have the developments torn down but this is a two-part issue that needs to be addressed. The main focus should be addressing the next round.

Linda Goldshein, Sherwood Drive, asked is there any way for citizens to get a constitutional amendment on the ballot. Attorney Cruz replied he does not think so. She also asked how many affordable housing credits did we get in the Avalon development. Attorney Cruz replied for the second round the borough received 40 units plus 43 rental bonuses.

Doris Fine, Johnston Drive, asked Attorney Cruz if the site isn't deemed developable, if the Borough would be off the hook? Attorney Cruz responded that in the year 2020 there is a review of the Borough's plan by the court to see where the borough stands on the plan. Attorney Cruz also said the fundamental idea behind affordable housing is there should be sound planning and the environmental circumstances need to be looked at.

Thomas Chang, Old Somerset Road, asked what happens if the town isn't suitable to meet the need for all these affordable housing units. Attorney Cruz said if the site is not suitable, then the site can't be developed. Mr. Cruz also said the town will still have an affordable housing obligation - there is no free pass. Mr. Chang asked what other factors other than environmental this would include. Attorney Cruz explained any developer would not spend or make an investment on a property if they didn't already look at all those issues.

John Malchow, Mountain Boulevard, asked if we could use the time left to explore some other options instead of making a decision tonight. He asked if there is a way to maximize the number of extra housing units on existing properties. Attorney Cruz spoke about accessory apartments and how they are a component of the Boroughs plan.

Victor Garber, Scott Drive, asked how much it costs the town to investigate these obligations and the monetary cost of the trust fund for the Borough. Attorney Cruz explained how the trust fund for the Borough works and said a fee on all new construction is imposed by law, that goes into the municipalities affordable trust fund. Mr. Garber asked about the investigatory costs. Mr. Cruz explained the planning work involved with attorneys and planners. Mr. Cruz said he would have to check with the Borough's CFO for the current balance in the trust fund.

Attorney Cruz announced the public comment on the public hearing for affordable housing is now closed.

Mayor Pote said the five (5) Resolutions under the Non-Consent Agenda R10, R11, R12, R13, and R14, are now moved up to this portion of the meeting to be considered by the Council now.

Attorney Cruz provided a brief explanation on the five resolutions.

"There are five resolutions listed on the consent agenda related to its Borough of Watchung's Affordable Housing plan:

First: Resolution authorizing its Mayor and Clerk to sign the settlement agreement with its fair share housing center. This Resolution:

- 1. Settles the pending litigation.*
- 2. Fixes the Boroughs third round affordable housing obligation at 396 units.*
- 3. Reduces that obligation to 53 affordable housing units through a vacant land adjustment*
- 4. Fixes the unmet need of the third round of 335*
- 5. Establishes the mechanisms to meet the 53 units including the development on Bonnie Burn Road*
- 6. Establishes a review of the Boroughs affordable housing plan on July 1, 2020 by fair share housing center special master and the court.*
- 7. Provide typical terms and conditions associated with this type of settlement*

Second: Resolution refers the Bonnie Burn Road property to the Planning Board to determine whether the Bonnie Burn Road property is an area in need of non- condemnation redevelopment by having a preliminary investigation study performed by the Borough Planner. After the preliminary investigation study is completed the Planning Board will hold a public hearing or hearings and make a recommendation to the Mayor and Council

Third: Resolution authorizes the Mayor and Council to sign an escrow agreement with BNE Real Estate Group making BNE responsible for the costs associated with the preliminary study investigations. However, the escrow agreement makes clear there is no guarantee regarding the results of the preliminary investigation.

Fourth and Fifth: Resolution authorizes the contract of the Borough Planner Marcia Schiffman to be expanded to include the preliminary study investigation and the fifth resolution addresses an expansion of the contract for Mark Healey to include the preliminary study.

The second to fifth resolutions will only be necessary if the first resolution is adopted. With that explanation, Mr. Mayor you may call for a motion on the first Resolution.

Council President Gibbs moved the following Resolution, with a second by Councilman Nehls:

R10:06/07/18 Authorizing Mayor and Clerk to sign an Affordable Housing Settlement Agreement

Mayor Pote asked if there were any comments or discussion from the Council.

Council President Gibbs: *"First, I want to thank Assembly Minority Leader Jon Bramnick, state Senator Tom Kean, and Assemblywoman Nancy Munoz for coming out the other evening to talk with and listen to our residents about the state's affordable housing crisis. I hope our residents came away with a greater understanding of the issue and why we are where we are this evening.*

Over the last many years, Watchung and all the state's municipalities have struggled with its affordable housing obligation and how to implement the New Jersey Supreme Court's collective Mount Laurel decisions. I will not go into the history of those decisions, they have been discussed at length these last many years and in particular the last several months.

The question Watchung faces this evening is complex and emotional. It is "How do we comply with the law while retaining Watchung's semi-rural character, reputable school system, relatively low taxes, and adequate municipal services for our residents?"

For more than a few, the answer is simple: Defy the law and fight.

I am not unsympathetic to that logic. In fact, having seen what the Mt. Laurel decisions have done over the years to other municipalities, and to our own, it does create a sense of anger and disbelief that a sizable number of our state officials can be so callous and indifferent to the chaotic and permanent impact forced development has on our communities. The noble principle of providing some affordable housing, which often creates opportunities for low to moderate income families they would not have access to normally, has been hijacked by a portion of the builders' community, housing advocates, and their allies to provide decades worth of attorney's fees and profits at the expense of our communities' wellbeing. Without singling out any one builder, our anger at "the system" should not be directed at just our state government and the courts, but should also be directed at those who view this as a means to build without regard for appropriateness, the character of towns they build in, or what cost to existing communities this may come at.

For me, however, I must consider the other side of the coin; that is the deck that is stacked against Watchung and every municipality that faces an affordable housing obligation and the courts that will impose that obligation regardless. Courts that are not experts in planning, demographic trends, infrastructure, traffic and a host of other critical informational inputs that may result in a different outcome. We have seen what happens when communities like West Windsor and Princeton fight the law. They both have been "assigned" affordable housing obligations twice their anticipated number and which together number in the 2,300 range. This is just the affordable housing obligation, it says nothing to what a builder will say they need to put in to be able to "afford" the affordable housing units. That final number for West Windsor and Princeton will likely be in the 7,000 to 8,000 total units range. That's farcical beyond belief and I can't find words clean enough to describe the insanity such an obligation would result in.

Unfortunately, the risk that Watchung could lose our temporary immunity and be subject to a builders' remedy lawsuit, like the one that resulted in The Pointe at Watchung, is a major deciding factor for me. Such a lawsuit could result in substantially higher density and number of units than what is proposed here and negatively impact our community even more. I know Watchung will be impacted by the proposed project. Instead of 35 school age children, and using the 98 registered school age children from The Pointe as a better barometer of things to come, we're likely facing ~70 school age children from the proposed project. Traffic concerns on Bonnie Burn, Valley Road, Johnston Drive, New Providence Road, etc. are all of concern. Sewer, water and other utility service is also a concern. And so is the emotional and economic impact to our fellow residents and neighbors who are closest to this issue. But the risk of being "assigned" even more affordable housing units by a court with no connection to our community or being forced to host an even larger development is one I cannot let happen. I must act in what I believe to be in our collective best interests to minimize that risk and therefore minimize any additional negative impacts this draconian mandate will have on Watchung.

Although I will be voting "Yes" to approve the Settlement with Fair Share Housing Center which, upon court endorsement, will confer upon Watchung official compliance with its Third-Round obligation with respect to affordable housing, I urge in the strongest terms possible that our Planning Board and Board of Adjustment ensure that the proposed project comply with our ordinances and can be incorporated into our community with as little impact as possible on our fellow neighbors, schools, and infrastructure. I urge BNE to view Watchung not just as another site to build on, but rather as a community with a long and proud history. I expect BNE to perform all necessary studies, investigations and analysis for the Bonnie Burn site and if the results of those dictate that the site not be built on or the project be reduced for whatever reason, so be it.

I also urge our residents, and fellow residents across New Jersey, to protest these obligations down in Trenton. We must bring West State Street to a stop and clog the steps before the State House and let our collective voices reverberate in the Governor's Office and the Senate and Assembly Chambers. We must tell them that the people they were elected to represent have a grievance that begs for redress; that what they are doing amounts to an abrogation of their responsibility as they watch communities struggle and collapse under the weight of a court legislated mandate. They must act and act in the best interests of all of New Jersey, not just the builders, the lawyers they hire, or one part of our society. But all of New Jersey."

Councilwoman Alberto: *"Since I became a Council Member earlier this year, I have researched the issues surrounding affordable housing in the State of New Jersey. My research included discussions with many municipal officials at the state and surrounding municipalities and I have realized there are two issues that the Borough must face:*

First, the immediate issue of how to address the Borough's third round affordable housing plan, a plan which would only be valid until July 1, 2025 and the second, the long term issue of how the state and

municipalities will address affordable housing. I will address the second issue first because I think it's important to remember that as I stated the proposed affordable housing plan we are discussing tonight will only be valid until July 1, 2025. So with that being said the Borough must start to prepare a new affordable housing plan before that date.

The United States Constitution begins with the words: "We the People..." and Abraham Lincoln in the Gettysburg Address echoed the same sentiment: "a government of the people, by the people, for the people.." These words should guide all residents to demand that the NJ Legislature and Governor enact legislation that provides municipalities with the necessary tools to plan for affordable housing and removes affordable housing planning from the court system. Without "we the people" demanding such action on the part of the Legislature and Governor. These words should guide all residents to demand that the NJ Legislature and Governor enact legislation that provides municipalities with the necessary tools to plan for affordable housing and removes affordable housing plan from the court system. Without "we the people" demanding such action on the part of the Legislature and Governor, municipalities, including the Borough of Watchung, will be faced with the same issues and decision in 2025 as it now faces. On Tuesday evening right here in Watchung Assembly Minority Speaker Jon Bramnick held an Affordable Housing Forum and Assembly Member Bramnick urged all citizens to demand legislative action to provide municipalities with the necessary tools to plan for affordable action. This call requires that we, and that means us, Watchung residents all practice what President Lincoln called for, and remind Legislators and the Governor that "we the people.." demand action now to avoid similar uncertainty in 2025. On the motion before the Council to approve the Affordable Housing Settlement Agreement, I vote no because while I believe that certain portions of the proposed affordable housing plan are worthy, I do not believe that the Bonnie Burn Road property is suitable for this development and is out of character with that area of Watchung Borough and does not constitute sound planning."

Councilman Nehls:, "I have been on the Council for about 12 years now and since that time we have been discussing COAH. We are mandated by the courts to provide affordable housing, but we have virtually no say in how we are to do that. The numbers of affordable housing units we must provide have been forced on us by the courts and those entities that are suing us. We are trying to come to an agreement which will protect us from the builders remedy lawsuits which would most likely result in the Borough providing a larger number of housing units than what we are agreeing to tonight.

I don't like the word "hate" and I try not to use that word but in this instance I will. I hate what this law is doing to our town. We should be allowed to provide the affordable housing that is best suited for our town. We should be allowed to do the zoning ourselves not be forced to provide high density housing in an area that is not zoned for that. But we have no choice. We are being blackmailed into settling. Do we vote no and take the chance of a lawsuit and then try to win this lawsuit? Many towns have tried, and they have lost, and they have had more affordable housing units placed on them than if they tried to settle. I respect all of my fellow Council members who have listened to our experts and worked very hard to come to their individual decisions. I hope they respect my decision as well. Tonight, I will be voting yes to move this agreement, which I hate, forward."

Councilman Mobus: "I had the pleasure of meeting with a group of residents last night from Oakwood Road. I feel absolutely terrible for them. What a wonderful neighborhood they live in. Friendly people that watch out for each other. Share values, enjoy the serenity and beauty of their surroundings. Enjoy reasonable tax rates, are involved in the community and likely have worked hard to get where they are. Some (like me) have lived here for more than 50 years. They exemplify what Watchung is, and what Watchung has always been. They are obviously concerned that the 230 unit housing complex, proposed to be built adjacent to the quiet neighborhood that they love, may soon change our town forever. It is completely unfair to them, but it is also completely unfair to our residents. Many ideas were raised, thoughts and concerns shared, but ultimately it seems inevitable.

If we turn down this proposal, the builder will sue us and they will win. The result could be a significant increase to our requirement, more units, more pressure on our infrastructure, taxes, schools, roads, emergency services, traffic, etc. Besides our Borough's affordable housing requirement, we are also contending with the impacts of the requirements of all our neighboring towns. Berkeley Heights, Scotch Plains, North Plainfield, Green Brook and Warren are all planning high density housing projects of their own. All mandated by the State, just like Watchung. Unfortunately, it seems like the traffic burden from those towns will impact Watchung the most. The most heavily traveled roads all seem to connect through Watchung which means one of the biggest problems our town faces (traffic) will only get worse.

The reality of these projects is that they either include affordable units only and pilot programs or they include a much larger number of units that include a combination of market rate and affordable, where only 20 percent of the units are required to be affordable. The latter is the scenario we are voting on tonight. 230 units, 46 affordable. Under these arrangements, the Borough is able to generate ad valorem taxes to help offset the financial burden.

All things considered, our Borough Attorney has negotiated admirably on our behalf and I want to complement Mr. Cruz as well as our Administrator Tom Atkins and all of our professionals and our staff who have worked so hard on this issue. They are all doing a commendable job under extremely adverse circumstances.

There is no magic wand to wave, however, given the choice between these two different structures, my preference would be fewer units, even if it means a PILOT program and more appropriately located in our commercial zone near Route 22.

In my opinion, for a long list of reasons, this project is not feasible. Although I understand the reasons why it may ultimately be in our best interests to approve this project, my vote is no. I can't in good conscious vote to approve this project. It is simply too impactful to the town and our residents."

Councilman Sopko: "Due to my Planning Board membership, I will be brief and simply state that I am voting for resolutions 10 and 11 however, to those that spoke of the Blue Star Mall and continuing to look for other solutions, please have at it, because this is not going away. We have already been assessed an unmet need of 396 affordable units, which can translate into a total of nearly 2,000 new units and the next round is coming in 2025, which is right around the corner. Thank you."

Councilman Black commented that he feels the deficiencies on this particular application are over the top.

He also said over the years there has been some applicants that he felt were viable but there are too many variables that would not make this feasible. Councilman Black also feels we are headed in the wrong direction with this site. We have been trying to look for viable other additional sites. He said he cannot vote in the right frame of mind a yes on this I have to vote no.

Attorney Cruz said there is a motion on the floor, and it is time for Roll Call.

Upon Roll Call, the vote was as follows: Gibbs, Nehls, Sopko, "aye;" Black, Mobus, Alberto, "nay."

Mayor Pote said the burden of this housing issue has fallen on the municipalities due to the legislature abandoning their responsibilities. Mayor Pote also said it makes him sick that for the last thirteen years we have had go through this type of process. Mayor Pote commented on the similar situation he will have to deal with occurring in his backyard very soon. He also said the clock is on us to make a decision. He commented on builder's remedy that has been put in place in other towns looking at this from a legal perspective. Mayor Pote also said the builder does exist and is ready to go. Mayor Pote added that it comes down to looking at chance verses impact. Mayor Pote voted yes to support the resolution.

Attorney Cruz asked the Clerk to call on Mayor Pote in order to break the tie vote. The Clerk called upon Mayor Pote and Mayor Pote's vote was "aye."

Council President Gibbs moved the following Resolution, with a second by Councilman Nehls:

R11: Authorizing the Planning Board to Conduct a Preliminary Investigation to Determine whether the Property fronting along Bonnie Burn Road, known as Block 7402, Lots 19.01 and 19.02 and Block 7403, Lots 5 and 10, qualifies as a Non-condemnation Area in Need of Redevelopment

Council President Gibbs commented that if during the process of the investigation, for legitimate reasons it is not an area of redevelopment, than that is the answer he would expect.

Upon Roll Call, the vote was as follows: Gibbs, Nehls, Mobus, Sopko, Alberto "aye;" Black, "nay."

Council President Gibbs moved the following Resolution, with a second by Councilman Nehls:

R12: Authorizing the Mayor and Clerk to Sign an Escrow Agreement for Redevelopment Costs

Upon Roll Call, the vote was as follows: Gibbs, Nehls, Mobus, Sopko, Alberto "aye;" Black, "nay."

Council President Gibbs moved the following Resolution, with a second by Councilman Nehls:

R13: Authorize Expansion of Contract – Affordable Housing Consulting / Maser Consulting

Upon Roll Call, the vote was as follows: Gibbs, Nehls, Mobus, Sopko, Alberto "aye;" Black, "nay."

Council President Gibbs moved the following Resolution, with a second by Councilman Nehls:

R14: Authorize Expansion of Contract – Planning Board Professional Planner / Mark Healey

Upon Roll Call, the vote was as follows: Gibbs, Nehls, Mobus, Sopko, Alberto "aye;" Black, "nay."

Mayor Pote thanked the audience for all their comments on the subject.

At this time, Mayor Pote ordered a five minute recess. (9:27 P.M.)

Mayor Pote reconvened the meeting. ((9:42 P.M.)

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Mobus reported on the concern that has been raised due to the library lawsuit. He said this is now a priority on the June 11 A & F Agenda to estimate what the cost will be. He said it is an unexpected expense. Councilman Mobus commented on streaming the Mayor and Council meetings and said they reviewed a proposal to do so however the cost was very high. He added that an internal solution was reached and now a small camera that sits on the back wall was purchased and the cost was low and we can manage it ourselves. It is the recommendation of the Committee to move forward with our own internal system. He also said he thinks it would be better instead of live streaming to record the meetings and then post the recordings to the Borough website.

Councilman Mobus made a motion to move forward with recording the Council meetings. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Gibbs, Nehls, Mobus, Sopko, Alberto, “aye.”

2. Police – No report.

3. Public Works / Buildings and Grounds – Councilman Nehls reported there have been more roads added to the list to be complete. He commented that there is a bond issue on the agenda appropriating money for road work tonight however we are under the cost needed so not all of them will be done. He also said there is a purchase order on tonight’s agenda for the purchase of two new fountains because the current motors are burnt out. Councilman Nehls also said we are looking to start work on the islands on Somerset Street shortly.

4. Public Affairs:

Environmental – Councilwoman Alberto said the Committee met on May 29th, however, she has not yet received the report.

Recreation – Councilman Mobus said the summer camp enrollment is going very well and we are ahead of where we were this time last year. He said the community picnic was very well attended and many thanks to Linda Monetti for organizing the event, she did a great job. Councilman Mobus thanked a few of the vendors who contributed items for the community picnic.

Historical – Councilman Mobus said they have a meeting scheduled for June 20th. He said they are still working on the mural and also commented that the Memorial Day celebration was a great day and well attended.

Board of Health – Councilman Black had no report.

5. Fire – Councilman Black reported that Carolyn Solan and her daughter are helping out our fire inspector expedite the state mandate process.

6. Laws/Ordinances – Councilman Black had no report.

REPORTS - OTHER:

7. Engineer – No report.

8. Police Chief – Chief Cina said they are continuing to try to get improved signs so the overweight trucks do not travel down Hillcrest Road. He said they are trying to have the apps updated to show which vehicles are not allowed on certain roads but were told the apps do not have that type of capability. Chief Cina also said he attended an informative meeting regarding recovery methods for towns after storms hosted by JCP&L.

9. Fire Department – No report.

10. Rescue Squad – No report.

11. Emergency Management – CERT President Carolyn Solan thanked the Mayor and Council for the Proclamation, and said she would be happy to assist OEM Coordinator Gary Greves with the updating of the manual, of which the deadline was extended to December 15th.

12. Attorney – Attorney Cruz had no report.

13. Clerk –Clerk Michelle DeRocco said she’d like to thank the Firemens’ Exempt members, the administration at Bayberry School, the administration at Wilson Memorial for letting us use their facilities for the Primary Election. She said the day went smoothly, thanks to the help of the Public Works Department and the Police Department. She also said she was disappointed to hear that Eric Hostettler is leaving the Echoes, and she wished him well in his new endeavor.

14. Administrator –No report.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Lynda Goldshein, Sherwood Road, asked about the fountains in Watchung Lake not working again, and why it was our responsibility to purchase new ones, and Councilman Nehls explained that they are out of warranty. Mrs. Goldshein commented that the Council does not manage money well, and volunteered to be on the Ness Planning Committee that is referenced in Resolution R8.

Tom Franklin, Wildwood Terrace, asked for an explanation of the Ness Ad Hoc Committee, noting that the Borough obtained the Ness Property in 2007 and are now starting to plan it, in comparison to the Library which has been discussed for over 17 years.

Doris Fine, Johnston Drive, said she is trying to understand how much time it takes to develop a property like Ness, as it is Open Space, and that she would like to see a community garden there, and also a tree farm. She would like to volunteer to be a member of this Committee.

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UNFINISHED BUSINESS

A Public Hearing of Ordinance OR:18/12 entitled “**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,570,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**” was held.

R2:06/07/18 Adoption of Bond OR: 18/12 – Various Public Improvements, Technology
Drainage & Road Improvements

Councilman Black moved a public hearing be held with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Virginia Hartmann, Ellison Road, asked what the specific costs of the Bond Ordinance are for. Attorney Cruz replied the costs are broken down in the Ordinance by improvements. Council President Gibbs explained the GIS cost as one of the items associated with the bond ordinance. Attorney Cruz went through all the items associated with the Bond Ordinance costs. Ms. Hartmann asked if the Council applied for the grants and asked if the council has any problem applying for grants. She also said the number of roads being improved has significantly increased.

With no one else from the public wishing to be heard, Councilman Black closed the public hearing and moved the following resolution, and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

R2:06/07/18 Adoption of Bond OR: 18/12 – Various Public Improvements, Technology
Drainage & Road Improvements

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items, with the exception of #15, were unanimously adopted following a motion by Council President Gibbs and a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto “aye.”

Approval of the following Council minutes:

May 17, 2018- Regular Meeting
April 19, 2018 - Executive Session Minutes

Acknowledging Receipt of the following Borough Reports:

Planning Board Minutes - April 17, 2018
Board of Health Minutes – March 28, 2018
CERT Meeting Minutes – May 22, 2018
Recreation Minutes – March 14, 2018, April 4, 2018
Building Department Report - May 2018
Wildlife Management Advisory Committee Minutes – May 8, 2018

Acknowledging Receipt of the following Correspondence:

Council President Gibbs asked for the following to be considered separately, as he recused himself due to personal interest he still has with his previous employer. Council President Gibb stepped down from the dais.

Councilman Nehls moved to accept the following Correspondence, Councilman Sopko seconded the motion and upon Roll Call the vote was as follows: Black, Nehls, Mobus, Sopko, Alberto, “aye.”

#15 - PSE&G 5/21/18 Notice of Public Hearing of Proposed Increase in the Company’s Rates Based on the Energy Strong Program c: M&C, TEA, Post

After the vote, Council President Gibbs returned to the dais.

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CONSENT AGENDA RESOLUTIONS:

The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Gibbs and a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

- R3:06/7/18 Commending Watchung-Warren Rotary Club on Years of Community Service
- R4: Authorize Clerk to Issue Raffle License / Sisters of Mercy of the Americas
- R5: Authorize CFO to Issue Refund / Field Use Permit – Colleen Stoia
- R6: Authorize Redemption of Tax Sale Certificates #14-11 & 15-07/ New Providence Rd.
- R7 Appointment of Property Maintenance Officer/ Leonard Young
- R8: Establish Ad- Hoc Committee – Ness Property Development
- R9: Purchases over \$2,000 – Sparta Discount Tire, Inc. (PD- Tires)
 East Coast Emergency Lighting (PD- Equipment)
 Solitude Lake Management (B & G- Fountains)

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NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Resolutions 10 through 14 were moved to the beginning of the meeting and voted upon at that time.

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PUBLIC PORTION - GENERAL DISCUSSION

Sophia Lee, Spencer Lane, read two Resolutions that were on the petition that was submitted on Monday, one that would rescind the Council’s decision on April 19, 2018 to close the Library and another that would rescind the Council’s decision on April 19, 2018 that would investigate commercial redevelopment options for the Library property.

Victor Garber, Scott Drive, spoke about things that he believes made this Country great, one being the GI Bill, and the other is the work done by Andrew Carnegie, who created free Public Libraries around

the world. He said he uses the Library weekly and feels it is inappropriate to deny residents the use of a Library in their town. He said that the Resolution on the 2012 referendum was faulty – it was during a depression and a storm, and substituting the Exempt Hall for the Library is a band aide. He said his portion of taxes for a Library is about \$430 and he would like to know what this money will get for him when these services are out-sourced. Mr. Garber said he would like to ask the proposed developer of the affordable housing project if he thought a Library would benefit the new residents, and also asked Councilman Nehls what he intends to do with the development of the Library property. Attorney Cruz said that due to pending litigation filed against the Borough by the residents who want to Save the Library, the Council cannot comment matters that pertain to the Library.

Lynda Goldschein, Sheridan Lane, said Camp Endeavor is a disgrace and to expect a letter from Green Acres. She said that when the Ad Hoc Committee talks about the Ness property they should include Camp Endeavor. She also said the Library can be moved there. In regard to affordable housing, she asked if the income levels were based on the overall average of our residents’ income. Mr. Cruz explained that Watchung is in a region with Hunterdon, Middlesex, and Somerset County residents and income levels are based on 80% of the median income in this region.

Virginia Hartmann, Ellison Road, said a realtor came to a meeting and stated in all the years she had been selling homes, no one had ever asked if there was a Library in the town. Mrs. Hartmann said she attended a weekly meeting of the Watchung Weichert Relators and then read a letter from them stating the importance of a Library when it comes to selling homes in Watchung. She submitted a copy of the letter to the Clerk.

Thomas Chang, Old Somerset Road, said the Library is an important place for him, not just for but also as a quiet place. He said no one wants a lawsuit, all they want is a referendum and a vote.

Hans Juette, Elsinore Drive, said he found the conversations tonight about affordable housing interesting and honest – it will change our town. He said now is the time to do something for education as the housing will put a strain on the education of our kids. He said Valley View School is 100 years old, and Bayberry is 80 years old, now is the time to invest in education.

Martin Carroll, Valley Road, referring to a letter that Dick Wellbrock published in the Echoes comparing the commute to a Council meeting as the same going to a Library in another town. He said Watchung needs a Library, and that we cannot all be driving to other towns.

Margaret Ellis, Valley Road, wanted to be sure the Council is aware that the petition dropped off at Borough Hall on Monday contained a total of 602 signatures, by adult Watchung residents only. She wanted the Council to know that there is a groundswell of support for a new or renovated Library in Watchung.

Doris Fine, Johnston Drive, encouraged all to drive to Maryland because residents there do not have a Library in every town, they have a County system and it works. She said there are a lot of things in town that residents want, but everyone cannot have it all. She told the Council to stay true to themselves. She said garbage pickup is a serious issue in town and would like the Council to investigate going to out to bid on this service as it would benefit all residents.

Tom Franklin, Wildwood Terrace, said Councilman Mobus had lamented that the Library lawsuit will cost the taxpayers unnecessary legal expenses. He reflected on the chain of events from the fall through to the April 19th meeting when a Resolution was called from the floor, not even on the Agenda to give residents appropriate notice, when residents begged for discussion and were promised time would be devoted to discussion in February, and that never happened. He said he tried to poll the Council for their opinions and was told this would be discussed in March, and that never happened. He said an option that was never being considered, was voted on. Mr. Franklin said the lack of discussion among the Council on April 19th leads him to believe that this was discussed and decided upon outside of the public. He said the Council brought this litigation on themselves and he has no sympathy.

Thomas Chang, Old Somerset Road, said since we are adding homes, the new residents will need a place to meet, and a Library can bridge the gap of wealth. He urged the Council to reconsider a referendum and said he will accept the decision of the voters.

Virginia Hartmann, Ellison Road, noted a big difference between the Council’s vote on affordable housing this evening and the April 19th vote against the Library, and that is that a detailed explanation was given by every Council person. On April 19th, no explanations were given.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 11:05 P.M. to the Call of the Chair and to the next meeting scheduled to be held on Thursday, June 21, 2018 at 7:30 P.M.

Respectfully submitted,

Regina Angelo, RMC
Administrative Assistant